

The Honorable William P. Clements, Jr., Governor of the State of Texas, accompanied by members of his party, was announced by the Doorkeeper of the House.

The Governor's party was escorted to the Speaker's Rostrum by Senators Leedom, Blake, Traeger and Jones on the part of the Senate and Representatives Ceverha, Connelly, Eckels, Hammond, Heflin, Hilbert, Patricia Hill, Jones, Kuempel, McKenna, Shea and Toomey on the part of the House.

Speaker Lewis introduced as guests Members of the Senate, Associate Justices of the Supreme Court and other State Officials.

Speaker Lewis then introduced His Excellency, The Honorable William P. Clements, Jr., Governor of the State of Texas, to the Joint Session.

Governor Clements addressed the Joint Session. (Complete text of the Governor's speech printed in the House Journal for January 13, 1983.)

Speaker Lewis, at the conclusion of the Governor's address, introduced Mrs. Rita Clements, who was greeted by a standing ovation of the Joint Session.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 46 - By Sharp: Extending congratulations to the Refugio High School football team.

S.R. 49 - By Williams: Commending the Galena Park Senior High School Band for their contribution to their community and the State of Texas.

S.R. 50 - By Doggett: Extending congratulations to Mrs. Tula Townsend Wyatt.

S.R. 51 - By Blake: Extending congratulations to the Sabine County Reporter.

ADJOURNMENT

The President announced the purpose of the Joint Session had been accomplished and declared the Senate at 11:28 o'clock a.m. would stand adjourned until 10:00 o'clock a.m., Monday, January 17, 1983, in accordance with a motion previously adopted in the Senate.

THIRD DAY

(Monday, January 17, 1983)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Mauzy, McFarland, Montford, Parker, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Washington, Whitmire, Williams.

Absent-excused: Lyon, Parmer.

A quorum was announced present.

The Reverend Wayne Smith, Faith United Methodist Church and President, Austin Area Conference of Churches, offered the invocation as follows:

Eternal, Holy, Almighty Father, whose name is known among people of all the earth. Some of us delight to call You our Father. We are not sure we know the

meaning of holiness, but as we remember compassion and love and caring of our parents we can understand a Father who cares about his people. We convene here as people with heavy responsibilities and great opportunities. We thank You for these who represent us in the affairs of state, and we pray especially for the new faces among us this morning who come with great expectations and high ideals; save them from being caught in the power struggles that destroy and preserve them in their intentions of integrity and honesty and uprightness. Grant all of us the awareness that our burdens, though heavy, are not meant to be borne alone, and that we, Your children, can always turn to You for the sustenance and the strength and the enlightenment and the wisdom we need. We offer this as our request and our prayer in the name of Jesus Christ. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of Thursday, January 13, 1983, was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Parmer was granted leave of absence for today on account of important business on motion of Senator Mauzy.

Senator Lyon was granted leave of absence for today on account of important business on motion of Senator Mauzy.

MESSAGE FROM THE HOUSE

House Chamber
January 17, 1983

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 13, Inviting The Honorable Jack Pope, Chief Justice, Supreme Court of Texas, to deliver the "State of the Judiciary" message.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

CO-AUTHOR OF SENATE BILL 22

On motion of Senator Doggett and by unanimous consent, Senator Mauzy will be shown as Co-author of **S.B. 22**.

CO-AUTHOR OF SENATE BILL 121

On motion of Senator Caperton and by unanimous consent, Senator Sharp will be shown as Co-author of **S.B. 121**.

CO-AUTHOR OF SENATE BILL 10

On motion of Senator Mauzy and by unanimous consent, Senator Doggett will be shown as Co-author of **S.B. 10**.

CO-AUTHORS OF SENATE BILL 29

On motion of Senator Traeger and by unanimous consent, Senators Doggett and Truan will be shown as Co-authors of **S.B. 29**.

CO-AUTHORS OF SENATE BILL 6

On motion of Senator Parker and by unanimous consent, Senators Parmer, Williams, Leedom and Brooks will be shown as Co-authors of S.B. 6.

CO-AUTHORS OF SENATE JOINT RESOLUTION 4

On motion of Senator Parker and by unanimous consent, Senators McFarland and Montford will be shown as Co-authors of S.J.R. 4.

RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate the following enrolled resolutions:

S.C.R. 1

S.C.R. 3

SENATE BILLS ON FIRST READING

The following bills were introduced, read first time and referred to the Committee indicated:

S.B. 149 by Henderson Economic Development
Relating to the operation of state savings and loan associations and the savings and loan department and the continuation of the office of the savings and loan commissioner.

S.B. 150 by Glasgow Economic Development
Relating to the continuation of the State Depository Board.

S.B. 151 by Glasgow Economic Development
Relating to the continuation of the State Banking Board.

S.B. 152 by Glasgow Economic Development
Relating to the continuation of the office of Banking Commissioner.

S.B. 153 by Glasgow Economic Development
Relating to the continuation of the Finance Commission of Texas.

S.B. 154 by Harris State Affairs
Relating to the enforcement of disabled parking laws; amending Subsection (b), Section 6A, Chapter 338, Acts of the 64th Legislature, Regular Session, 1975, as amended (Article 6675a-5e.1, Vernon's Texas Civil Statutes); and declaring an emergency.

S.B. 155 by McFarland Intergovernmental Relations
Relating to the operations and continuation of the Commission on Law Enforcement Officer Standards and Education.

S.B. 156 by Glasgow Education
Relating to certain powers and duties of the board of regents and the president of North Texas State University.

S.B. 157 by Glasgow Jurisprudence
Relating to the right to counsel of a person called to testify before a grand jury; providing penalties.

S.B. 158 by Glasgow Jurisprudence
Relating to the payment of court-appointed counsel by a county in certain criminal proceedings and by the state in capital cases.

- S.B. 159** by Glasgow Jurisprudence
Relating to the use of a pen register.
- S.B. 160** by Glasgow Jurisprudence
Relating to creation of the offense of tampering with food or a drug and to capital punishment for murder committed by conduct constituting that offense.
- S.B. 161** by Glasgow Education
Relating to public disclosure of certain information obtained by institutions of higher education.
- S.B. 162** by Glasgow Jurisprudence
Relating to the transfer of a prisoner between this state and another state if the prisoner is required to testify in a criminal action.
- S.B. 163** by Glasgow State Affairs
Relating to primary elections and conventions held by political parties and the uniform dates for holding elections.
- S.B. 164** by Williams Intergovernmental Relations
Relating to amending Acts 1977, 65th Legislature, page 1891, Chapter 752, as amended, (Article 1934c, Vernon's Texas Civil Statutes) by changing the manner of compensating certain positions; by providing a severability clause; and declaring an emergency.
- S.B. 165** by Williams Health and Human Resources
Relating to Dental Health Service Corporations and declaring an emergency.
- S.B. 166** by Glasgow Finance
Relating to the salaries of certain public officials and employees.
- S.B. 167** by Sharp Finance
Relating to exempting commercial fishing boats and equipment from taxation as implements of husbandry.
- S.B. 168** by Glasgow Economic Development
Relating to the regulation of health insurance policies and employee benefit plans which provide benefits for dental care expenses as a result of an accident or sickness and declaring an emergency.
- S.B. 169** by Glasgow Intergovernmental Relations
Relating to airports, safe flying operations, civil defense measures relating to civil and state owned aircraft, state administration of federal grants for airports, licensing of aircraft, regulation of obstructions to flight, and providing penalties for noncompliance.
- S.B. 170** by Glasgow Intergovernmental Relations
Relating to the operation of aircraft within and in the airspace over the State of Texas; amending Chapter 399, Acts of the 63rd Legislature, Regular Session 1973 (Art. 46f-2, Vernon's Texas Civil Statutes), by amending Sections 1, 2, and 3, deleting the existing Sections 4, 5, 6 and 7 and adding new Sections 4 and 5; amending Chapter 46, Subsection 1, Acts of the 58th Legislature, Regular Session 1963 (Art. 46f-3, Vernon's Texas Civil Statutes) by creating Section 1 from the existing act and adding Section 2; providing penalties; and declaring an emergency.
- S.B. 171** by Doggett Intergovernmental Relations
Relating to working hours of patrolmen in certain cities.
- S.B. 172** by Parmer Intergovernmental Relations
Relating to heart and lung disease death or disability benefits for certain firemen.

S.B. 173 by Parker Jurisprudence
Relating to an aggravated or deadly assault on a jailer or a guard.

S.B. 174 by Parker Natural Resources
Relating to the possession or use of shotgun shells containing lead shot while hunting, taking, or possessing certain waterfowl.

S.B. 175 by Parker Natural Resources
Relating to the use of hand-drawn seines in coastal water.

S.B. 176 by Doggett State Affairs
Relating to preservation of the view of the State Capitol from certain points.

GUESTS PRESENTED

The President recognized and presented to the Members Congressmen John Bryant, newly-elected Member of Congress from the 5th Congressional District and Ron Coleman, newly-elected Member of Congress from the 16th Congressional District.

Congressman Bryant briefly addressed the Senate, extending greetings from the Texas Delegation in Washington.

HOUSE CONCURRENT RESOLUTION 13

The President laid before the Senate the following resolution:

H.C.R. 13, Inviting The Honorable Jack Pope, Chief Justice, Supreme Court of Texas, to deliver the "State of the Judiciary" message in Joint Session.

The resolution was read.

On motion of Senator Mauzy and by unanimous consent, the resolution was considered immediately and was adopted.

ESCORT COMMITTEE APPOINTED

In accordance with the provisions of **H.C.R. 13**, the President announced the appointment of the following as a Committee to Escort Chief Justice Jack Pope to the Joint Session: Senators Brown, Glasgow, McFarland, Montford and Washington.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on State Affairs, Subcommittee on Nominations:

Austin, Texas
January 17, 1983

TO THE SENATE OF THE SIXTY-EIGHTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE JUDGE OF THE 67TH JUDICIAL DISTRICT, TARRANT COUNTY, UNTIL THE NEXT GENERAL ELECTION AND UNTIL HIS SUCCESSOR SHALL BE DULY ELECTED AND QUALIFIED:

ROGER JEFFREY WALKER of Arlington, Tarrant County, is replacing The Honorable Clyde Ashworth of Fort Worth, Tarrant County.

TO BE A MEMBER OF THE METRIC SYSTEM ADVISORY COUNCIL:
For a term to expire August 29, 1983:

MICHAEL J. KISZKIEL of Houston, Harris County, is replacing Frances Jackson of Longview, Gregg County.

Respectfully submitted,

/s/William P. Clements, Jr.
Governor of Texas

MESSAGE FROM THE SUPREME COURT

The following Message from the Supreme Court was read and was referred to the Committee on State Affairs, Subcommittee on Nominations:

THE SUPREME COURT OF TEXAS Austin, Texas 78711

January 14, 1983

TO THE SENATE OF THE SIXTY-EIGHTH TEXAS LEGISLATURE:

The Supreme Court of the State of Texas submits the following appointments for advice, consent and confirmation of the Senate:

State Commission on Judicial Conduct:

The Honorable James W. Dinkins, Justice of the Peace, Precinct 2, Montgomery County, selected from five names submitted by the executive committee of the Justice of the Peace and Constables Association [Constitution, Article 5, Subsection 1a] for the unexpired term of the Honorable Wayne LeCroy, Justice of the Peace, Lubbock County, who resigned effective December 31, 1982. The term will expire November 19, 1985.

Board of Directors of the State Bar of Texas Non-lawyer Members (Article 320a-1, Subsection 9):

Mr. Lynn F. Anderson of Austin, Travis County, for three years, expiring in June 1984.

Mr. Gene E. Glazener of Canyon, Randall County, for three years, expiring in June 1985.

Non-lawyer Members from lists of five names submitted by the Governor:

Mr. Jack G. Taylor of Austin, Travis County, to complete the unexpired term of Mrs. Marie Jaffe, who resigned. Term will expire in June 1984.

Mr. Michael J. Gaido, Sr., of Galveston, Galveston County, for a term of three years to expire in June 1985. (Mr. Gaido has resigned.)

Mrs. Lila Cockrell, of San Antonio, Bexar County, to complete the unexpired term of Mr. Michael J. Gaido, Sr., who resigned. Term will expire in June 1985.

The following appointment has been made by the Chief Justice of the Supreme Court and is submitted for consent and confirmation:

Board of Trustees of the State Employees Retirement System:

Mr. Jack D. Kyle of Huntsville, Walker County. Term will expire August 31, 1986. (Title 110B, Subsection 25.002).

Respectfully submitted,

/s/Jack Pope
Chief Justice

**MESSAGE FROM STATE BOARD
OF EDUCATION**

The following Message from the State Board of Education was read and was referred to the Committee on State Affairs, Subcommittee on Nominations:

**TEXAS EDUCATION AGENCY
State Board of Education**

August 13, 1981

Mrs. Betty King
Secretary of the Senate
Capitol Building
Austin, Texas 78711
Dear Mrs. King:

I am submitting to you for confirmation by the Senate the following appointment to The Advisory Council for Technical-Vocational Education in Texas.

Kimberly Alecia Gilliam
P. O. Box T439
Texas State Technical Institute
Waco, Texas 76705

Miss Gilliam will replace Sherry Townsend in the membership category of "one member who is a present or recent vocational education student who is not otherwise qualified for membership".

This appointment was recommended by Governor Clements and approved by the State Board of Education on August 8, 1981, in compliance with Section 31.12 of the Texas Education Code.

The appointment will be for the remainder of a term to expire on February 1, 1982.

Very truly yours,

Raymon L. Bynum
Commissioner of Education

**TEXAS EDUCATION AGENCY
State Board of Education**

January 5, 1983

Mrs. Betty King
Secretary of the Senate
Capitol Building
Austin, Texas 78711

Dear Mrs. King:

I am submitting to you for confirmation by the Senate the following appointment to The Advisory Council for Technical-Vocational Education in Texas.

Ms. Hortencia V. Lopez
P. O. Box 850
Port Lavaca, Texas 77979

Ms. Lopez will replace Lupe Anguiano in the membership category of "one member representing a woman with experience in employment and training programs, and is knowledgeable with respect to sex discrimination in job training and employment

of sex stereotyping in vocational education and of discrimination in job training and employment against women who are members of minority groups”.

This appointment was recommended by Governor Clements and approved by the State Board of Education on November 13, 1982, in compliance with Section 31.12 of the Texas Education Code.

The appointment will be for the remainder of a term to expire on February 1, 1984.

Very truly yours,

Raymon L. Bynum
Commissioner of Education

SENATE CONCURRENT RESOLUTION 5

Senator Farabee offered the following resolution:

S.C.R. 5, Granting Texas YMCA Youth and Government Program permission to use the House and Senate Chambers from February 24 to February 27, inclusive, in 1983, and February 23 to February 26, inclusive, in 1984.

The resolution was read.

On motion of Senator Farabee and by unanimous consent, the resolution was considered immediately and was adopted.

MOTION TO RECESS

On motion of Senator Brooks and by unanimous consent, the Senate agreed to recess upon completion of the Joint Session until 11:00 o'clock a.m. tomorrow, January 18, 1983.

RECESS

On motion of Senator Brooks, the Senate at 10:20 o'clock a.m. took recess until 2:00 o'clock p.m. today.

AFTER RECESS

The Senate met at 2:00 o'clock p.m. and was called to order by President Pro Tempore Jones.

REPORT OF STANDING COMMITTEE

By unanimous consent, Senator Blake submitted the following report for the Committee on Administration:

S.B. 128

JOINT SESSION

(To hear address of Chief Justice of the Supreme Court, The Honorable Jack Pope, and to count votes for Governor and Lieutenant Governor)

President Pro Tempore Jones announced that the hour for the Joint Session of the two Houses to hear an address by The Honorable Jack Pope, Chief Justice of the Supreme Court, and pursuant to the provisions of **S.C.R. 3**, to count the votes for Governor and Lieutenant Governor, had arrived.

The President Pro Tempore of the Senate and the Senators present, escorted by the Sergeant-at-Arms and the Secretary of the Senate, proceeded to the Hall of the House of Representatives at 2:00 o'clock p.m. to hear the address of The Honorable Jack Pope, Chief Justice of the Supreme Court of Texas, pursuant to **H.C.R. 13**, and to count the votes for Governor and Lieutenant Governor, pursuant to the provisions of **S.C.R. 3**.

The Senators were announced and were admitted and escorted to seats prepared for them along the aisle.

The President Pro Tempore, on invitation of the Speaker, occupied a seat on the Speaker's Platform.

President Pro Tempore Jones called the Senate to order and announced a quorum present.

The Honorable Gib Lewis, Speaker of the House of Representatives, called the House to order, stated the purpose of the Joint Session and announced a quorum of the House present.

Speaker Lewis then announced the appointment of the joint committee to canvass the vote and requested the tellers appointed, pursuant to the provisions of S.C.R. 3, to come forward and receive the returns of votes cast for Governor and Lieutenant Governor at the General Election held on November 2, 1982, which returns had been duly delivered by the Secretary of State to the Speaker of the House of Representatives.

Senators Brooks, Farabee, Mauzy, Traeger and Santiesteban, on the part of the Senate, and Representatives Arnold, Stiles, Evans of Harris, Cavazos and Carriker on the part of the House, then received the returns and proceeded to count the votes cast for Governor and Lieutenant Governor at the last General Election.

Members of the Supreme Court, Court of Criminal Appeals, Courts of Civil Appeals and Courts of Appeals were announced by the Doorkeeper and were welcomed to the Joint Session.

The Honorable Jack Pope, Chief Justice of the Supreme Court, accompanied by Mrs. Pope, was announced by the Doorkeeper of the House.

The Chief Justice's party was escorted to the Speaker's Rostrum by Senators Brown, Glasgow, McFarland, Montford and Washington, on the part of the Senate, and Representatives Gilley, Armbrister, Danburg, Khoury, Gamez, Parker and Thompson of Taylor, on the part of the House.

Speaker Lewis presented The Honorable Jack Pope, Chief Justice of the Supreme Court, who addressed the Joint Session on the State of the Judiciary. (Complete text of address may be found in House Journal for January 17, 1983.)

At the conclusion of Justice Pope's address, Speaker Lewis presented Mrs. Allene Pope.

AT EASE

The Speaker at 3:22 o'clock p.m. announced the Joint Session would stand At Ease pending the departure of guests and to await the report of the Joint Committee of tellers.

IN LEGISLATIVE SESSION

The Speaker of the House called the Joint Session to order at 3:27 o'clock p.m.

When the count was completed, the tellers presented the following report, which was read to the Joint Session:

Austin, Texas
January 17, 1983

The Honorable William P. Hobby
President of the Senate

The Honorable Gibson D. Lewis
Speaker of the House of Representatives

Sirs:

We, the Joint Committee of tellers, appointed by the presiding officers of the Senate and House of Representatives to canvass the votes cast at the last general election held in the State of Texas on November 2, 1982, for Governor and Lieutenant Governor of the State of Texas, as shown by returns delivered to us by the Secretary of State, beg leave to report that we have performed that duty and that the result of our canvass is as follows:

There were votes cast for Governor, as follows:

William P. Clements, Jr., Republican Party	1,465,673
Mark White, Democratic Party	1,697,694
David Hutzelman, Libertarian Party	19,141
Bob Poteet, Citizens Party	8,065
L. A. Sims, Write-in	18
Others	56

There were votes cast for Lieutenant Governor, as follows:

George W. Strake, Jr., Republican Party	1,232,432
Bill Hobby, Democratic Party	1,830,652
Laurel Kay Freeman, Libertarian Party	34,474
Others	0

Respectfully submitted,

CHET BROOKS, CHAIR	GORDON ARNOLD, JR., CHAIR
RAY FARABEE	STEVEN A. CARRIKER
OSCAR MAUZY	EDDIE CAVAZOS
H. TATI SANTISTEBAN	JOE A. GAMEZ
JOHN A. TRAEGER	MARK STILES
For The Senate	For the House of Representatives

The report was unanimously adopted by the Joint Session. Whereupon the Speaker of the House made the following announcement:

Honorable Mark Wells White, having received the highest number of votes cast, I, by virtue of the authority vested in me by the Constitution and the laws of the State of Texas, declare him duly, legally and constitutionally elected Governor of the State of Texas for the ensuing term of four years; and Honorable William P. Hobby, having received the highest number of votes cast, I, by virtue of the authority vested in me by the Constitution and laws of the State of Texas, declare him duly, legally and constitutionally elected Lieutenant Governor of the State of Texas for the ensuing term of four years.

The Speaker of the House then returned the ballots of the General Election to the Secretary of State.

MEMORIAL RESOLUTIONS

S.R. 53 - By Farabee: Memorial resolution for Joe N. Adair, Sr.

S.R. 54 - By Farabee: Memorial resolution for McCharles "Smokey" Huff.

S.R. 55 - By Farabee: Memorial resolution for J. T. Streatly.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 56 - By Brown: Extending welcome to Dr. Jimmy C. Burns, Capitol Physician for the Day.

S.R. 57 - By Caperton: Extending welcome to students of the United World College of the American West.

RECESS

The President Pro Tempore, Senator Jones, announced the purpose of the Joint Session had been accomplished and declared the Senate at 3:31 o'clock p.m. recessed until 11:00 o'clock a.m. tomorrow in accordance with a motion previously adopted by the Senate.

APPENDIX

Sent to Governor
(January 17, 1983)

S.C.R. 1

S.C.R. 3

THIRD DAY

(Continued)

(Tuesday, January 18, 1983)

AFTER RECESS

The Senate met at 11:00 o'clock a.m. and was called to order by President Pro Tempore Jones.

LEAVE OF ABSENCE

Senator Lyon was granted leave of absence for today on account of important business on motion of Senator Mauzy.

CO-AUTHOR OF SENATE BILL 6

On motion of Senator Parker and by unanimous consent, Senator Caperton will be shown as Co-author of S.B. 6.

CO-AUTHOR OF SENATE BILL 29

On motion of Senator Traeger and by unanimous consent, Senator Caperton will be shown as Co-author of S.B. 29.

MESSAGE FROM THE HOUSE

House Chamber
January 18, 1983

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 5, Granting permission to the Texas Jaycees to use House and Senate chambers on January 22 and 23, 1983.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE RESOLUTION 62

Senator Blake offered the following resolution:

WHEREAS, Our distinguished colleague Senator Hector Uribe of the 27th Senatorial District yesterday celebrated his 37th birthday; and

WHEREAS, His Rio Grande Valley constituency has viewed the political career of this Brownsville native with great pride and deep respect; and

WHEREAS, Since his election to the House of Representatives during the 2nd Called Session of the 65th Legislature, Senator Uribe has compassionately and compellingly championed the cause of our forgotten elderly citizens; and

WHEREAS, A member of the Texas Senate since 1981, Senator Uribe is a thoughtful voice during committee deliberations of the Education, Human Resources, and Intergovernmental Relations Committees; as vice-chairman of the Public Health Subcommittee, he has made his indelible mark on decisions that affect us all; and

WHEREAS, Married to the charming Karen Eileen LeFevre, Senator Uribe is the proud father of four lively children, Danu, Alan, Brandan, and Echo; and

WHEREAS, A practicing attorney, he is actively involved in the civic affairs of his community as a member of the Board of Counselors, Brownsville Medical Center; Rio Grande Valley Chamber of Commerce; and the Cameron County Bar Association; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 68th Legislature, hereby extend Senator Hector Uribe a happy 37th birthday with a wish for much future happiness; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Senator Hector Uribe as a memento of this auspicious occasion. Feliz Cumpleanos!

The resolution was read and was adopted.

HOUSE CONCURRENT RESOLUTION 5

The President Pro Tempore laid before the Senate the following resolution:

H.C.R. 5, Granting permission to the Texas Jaycees to use House and Senate chambers on January 22 and 23, 1983.

The resolution was read.

On motion of Senator Doggett and by unanimous consent, the resolution was considered immediately and was adopted.

SENATE RESOLUTION 52

Senator Mauzy offered the following resolution:

WHEREAS, The citizens of Grand Prairie mourn the death of Don Shadden on November 3, 1982, after a short battle with cancer; and

WHEREAS, Don Shadden devoted his life to his family, his community, and the Democratic Party, serving as a member of the State Democratic Executive Committee from 1980 until 1982 and as Chairman of the Planning and Zoning Commission of the City of Grand Prairie from 1981 until the time of his death; and

WHEREAS, He continually strove to improve the standards of living and quality of life by many acts that were unknown to anyone but his closest friends; and

WHEREAS, Many people will remember Don Shadden for his personal kindnesses and help at any time of need, serving as an example of the traits each of us strive to achieve in our lifetime; and

WHEREAS, He was the devoted husband of Carol Shadden for 28 years, the loving father of Brian Shadden, Robbin Shadden Wylie, and Melodie Shadden, and the only son of Hobart and Grace Shadden; and

WHEREAS, Don Shadden loved beyond all description the principles of the Democratic Party and worked untiringly to achieve those goals and for the betterment of mankind; now, therefore, be it

RESOLVED by the Senate of the State of Texas, That the 68th Legislature pay tribute to Don Shadden's life of service and extend sympathy on their great loss to his surviving family; and, be it further

RESOLVED, That official copies of this Resolution be prepared for his family and that when the Senate adjourns this day, it do so in memory of Don Shadden.

The resolution was read.

On motion of Senator Parker and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Mauzy and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.

GUESTS PRESENTED

Senator Mauzy escorted to the President's Rostrum Mrs. Carol Shadden, wife of the late Don Shadden, their children, Brian, Robbin and Melodie, and Mr. Shadden's parents, Hobart and Grace Shadden.

President Pro Tempore Jones presented Mrs. Shadden an enrolled copy of Senate Resolution 52.

MOTION TO ADJOURN

On motion of Senator Brooks and by unanimous consent, the Senate at 11:15 o'clock a.m. agreed to stand adjourned at the conclusion of the Joint Session, until 10:30 o'clock a.m. tomorrow.

ANNOUNCEMENT

The President Pro Tempore, Senator Jones, announced the time had arrived for the Members, family and guests to proceed to the South Entrance of the Capitol for the Inauguration of the Governor and the Lieutenant Governor.

JOINT SESSION

(To inaugurate the Governor and Lieutenant Governor)

The Senate met at 12:00 o'clock noon in Joint Session with the House of Representatives in the space reserved for the Legislature adjacent to the platform erected at the South Entrance of the Capitol for the Inauguration of the Governor and Lieutenant Governor.

With the Honor Guard of the Ross Volunteers of Texas A&M University standing at attention, Governor-elect and Mrs. Mark White, Lieutenant Governor-elect and Mrs. William P. Hobby, with their families, Speaker and Mrs. Gib Lewis, President Pro Tempore Jones, Senator and Mrs. Lloyd Doggett, Senator and Mrs. Carl Parker, Senator and Mrs. Kent Caperton, Senator and Mrs. Hector Uribe, Senator and Mrs. Bob Vale and Senator and Mrs. Craig Washington, Chief

Justice and Mrs. Jack Pope, and other distinguished platform guests advanced to the platform.

Following a nineteen-gun salute, The University of Texas at Austin band played the national anthem.

President Pro Tempore Jones called the Senate to order and announced a quorum of the Senate present.

Speaker of the House Gib Lewis called the House of Representatives to order, stated the purpose of the Joint Session and announced a quorum of the House present.

Speaker Lewis then introduced Dr. S. M. Wright, President of the Interdenominational Ministers' Alliance of Metropolitan Dallas and Pastor of the People's Baptist Church of Dallas, who offered the invocation.

Speaker Lewis announced that the Constitutional Oath of Office would be administered to Lieutenant Governor-elect Hobby by the Chief Justice of the Supreme Court, Jack Pope.

The Honorable William P. Hobby then took the Constitutional Oath of Office and affixed thereto his signature, the oath being administered and signature attested by Chief Justice Jack Pope.

The Honorable Grant Jones, President Pro Tempore of the Senate, then presented The Honorable William P. Hobby, Lieutenant Governor of Texas, who addressed the Joint Session, as follows:

As the Governor and I take our oaths to serve the people of Texas, we take these responsibilities at a time of great change in the political structure which has bound this nation together for half a century.

It is a change no less profound than the coming of the New Deal in 1933.

From those earliest days of the Roosevelt Presidency, and on into the Fair Deal and the New Frontier and the Great Society, unabated in the concepts of federalism espoused by Republican Presidents as well as the Democrats, it was demonstrated repeatedly that the "best and the brightest" of those in public service eventually found their way to Washington.

They went not only as brain trusters and policy makers and problem solvers, but also as public servants from the states and from local governments throughout America—men and women attracted to the center of power, to work, to envision, to plan, or merely to ask for the assistance that only Washington could provide.

Only in the District of Columbia did there appear to be a concerted will and a means to solve problems. Only in the District of Columbia did it seem the basic decisions could be made to keep America moving.

It was no surprise that the political power and the tax base flowed to our nation's capitol as a result, either by design or by default.

Now, fifty years after our country's economic and political revolution, we are beginning to look at ourselves and our government quite differently.

Even had Ronald Reagan not been elected President in 1980, the handwriting was on the wall for massive federal solutions to the problems of growth, urbanization, economic and social justice. For we have turned a new chapter in our illustrious political history, and the earlier chapters remain only a point of reference for governing ourselves effectively in 1983 and beyond.

As we emerge from this watershed period in which the flow of power and responsibility is being reversed, we can see clearly that standing among the notable successes of national policymaking there are glaring examples of failure as well.

We discover that Washington planners cannot deal effectively with community-based problems.

We discover that the "one size fits all" solutions of rigid bureaucracies have exposed a real need for decentralized problem-solving.

We discover that state governments have matured significantly—they have "grown up"—as a result of the principle of one man, one vote and the strong movement toward equality of political opportunity. Citizens who once felt excluded from the decision-making of state government, and turned to Washington for answers to their problems, now find that the states have the talent and the incentive to face them and to solve them.

A vivid reflection of this change is the fact that the various statehouses have at least equal footing with the Congress as the breeding ground for White House aspirants.

The real question, of course, is how well the states respond in the face of new responsibilities, many of which overlap those of the federal government.

We have been challenged to work together in a system of "new federalism."

In my view, wherever these winds of change may take us, it must be a working federalism.

If it is not, we may be witness to a greater decay in our social fabric than we are presently warned is happening to our physical infrastructure—the highways, water systems and other public works of the nation.

Texas is in an especially sensitive position. We are in a transition to a new industrial economy based on the new and developing technologies. Oil and gas, long the mainstay of our economic life, are moving gradually to the background. We are being put to the test to prove that we are not an accident of geology.

To see us through, and to protect what we have tried to build for future generations, it is mandatory that we have a first-class system of public education despite the pressures of bilingual and bicultural problems.

It is mandatory that we broaden and deepen our commitment to research and development in a world-class system of higher education, aided by dedicated funds which have not always been wisely invested in physical plants and improvements.

It is mandatory that our transportation system be upgraded to the point that our cities become more functional and that Texas become truly one state.

It is mandatory that our human service delivery systems be economical and are consistent with our value system for society as a whole.

And it is mandatory to have the courage to meet our financial obligations within our pay-as-you-go system.

There is nothing more irresponsible than tax dollars wasted. There is nothing more responsible than tax dollars put to the public good, measured by a happier and more prosperous life for all Texans.

We can have a working federalism; in Texas I believe we have the political team and the political will to bring it about. To you, Governor White, and to the members of the Legislature, I pledge my energies to that end.

To the people of Texas who elected me, I pledge again to do my best to justify your confidence. It is a humbling experience to occupy this high office during this particular time of history, and I promise to fulfill my obligations to you to the best of my ability.

I feel it is certainly appropriate to add the following poem by former Senator Carlos Ashley:

Oh, the glamour and the clamor
That attend affairs of state
Seem to fascinate the rabble
And impress some folks as "great."

But the truth about the matter
In the scale of loss and gain—

Not one inauguration's worth
A good slow two-inch rain.

Speaker Lewis then announced that the Constitutional Oath of Office would next be administered to Governor-elect White by Chief Justice Jack Pope of the Supreme Court.

The Honorable Mark Wells White then took the Constitutional Oath of Office and affixed thereto his signature, the oath being administered and the signature attested by Chief Justice Jack Pope of the Supreme Court.

Speaker Lewis then presented His Excellency, The Honorable Mark Wells White, Governor of the State of Texas, who addressed the Joint Session, as follows:

My fellow Texans:

In the long history of this State, only 41 men and one woman have preceded me as Governor.

I am mindful of the great honor that has come to me.

And I want you to know that this is the proudest moment of my life.

I am mindful, too, of the great responsibilities that I have taken upon my shoulders.

I accept those responsibilities.

I welcome them — gladly — in the sure knowledge that government can make a difference for the betterment of all the people if it is wise and prudent and visionary and determined.

Finally, I am mindful that I did not come to this office alone.

The list of friends and supporters who believed in me and sacrificed for me is a roll of honor that I will always cherish.

That roll is headed by my wife, Linda Gale, whose love and devotion and counsel and untiring efforts were the inspiration of my campaign.

That roll also contains the names of men and women who never lost faith in me — or my candidacy — no matter how bleak things appeared to be...no matter how many others had conceded my defeat.

I owe a great debt of gratitude to many individuals and I pray I will be worthy of their support.

But let there be no doubt about this: I owe nothing to any group or to any special interest.

The only interest I recognize is the peoples' interest.

The peoples' interest will have a fresh start in my administration.

There will be new faces and new ideas as a new generation of Texans prepares to take over the reins of government.

It is a generation that was educated after World War II...

That grew up in the shadow of nuclear terror...

That lived through out transition from a rural to an urban state...

That watched towering buildings rise from the ground...

That saw the first signs of progress choking our cities and despoiling our environment.

It is a generation whose time has come.

It is a generation whose hopes and visions and policies and actions will lead this state into the 21st Century.

That is our destiny.

It is an exciting destiny for all of us.

Texas is the State of the Future.

As great and as vibrant as this state is now, it has only begun to achieve its full potential.

There is no doubt in my mind that Texas will one day become the industrial and financial leader of the United States.

But such leadership will not be without its challenges.

The question we must ask ourselves today is whether we are prepared to accept that role of leadership; whether we are wise enough to avoid the pitfalls that go with it.

Other states have gone before us — and we should learn their lessons well. Other states have stood where we now stand — on the very edge of greatness. And yet today, in many of those states, the residue of progress is more tangible than the blessings of progress:

decaying, congested crime-ridden cities...

men and women permanently out of work...

mounting budget deficits...

foul air and filthy water...

and a ravaged, ugly landscape almost everywhere you turn.

For a generation growing up in such an environment today, yesterday's progress has become a bitter heritage.

Are we doomed to repeat their mistakes — or will we learn from them?

Can we be the masters of our destiny — or will we be its victims?

As we stand at history's door, it is time to ask ourselves what kind of state we will be passing on to our children.

Can we be a modern, industrial state and still be a clean and beautiful state?

Can we maintain the quality of life that we knew and our parents knew as children?

Can we build great cities without slums and pollution and crime and congestion?

Can we preserve what is special about the Texas character — what is good and strong and honest about our people?

I believe we can.

As we prepare to move into the future, we still have a firm grip on our past.

Our frontier heritage and our spirit of optimism and determination are still with us.

So are our open spaces and beautiful countryside.

The sights and sounds that quickened the hearts of our ancestors are still here for us to respond to and enjoy as well.

But time is quickly running out on us.

Change is coming with an irresistible force — and if we are unable to control it and guide it, it will soon threaten much that is precious to us.

We have only a fleeting moment in history to decide how our future is to be shaped.

We had better use that moment wisely.

We can be the greatest state this Republic has ever known.

Or we can enjoy our brief moment in the sun and go the way that states have gone before us.

The choice is ours.

I believe it is the challenge and the responsibility of this generation to lay the foundations for greatness.

The first foundation for greatness is education.

Our goal must be to build the best system of education that the mind of man can devise — from first grade through graduate school — and make that system responsive to the needs of every boy and girl in Texas.

To reach that goal, we must pay the kind of salaries that will attract bright, dedicated teachers and faculty members — and keep them as well.

To reach that goal we must demonstrate to our teachers that they occupy an honored place in our society.

Second class citizens will not turn out first class minds.

Education is not a luxury; it is a necessity.

We are living through a technological revolution.

Tomorrow's economy will have no place for the unskilled and the semi-skilled.

It will demand a constant supply of well educated men and women.

And it will require the best research that our universities can produce.

The second foundation for greatness is people.

Throughout our history, we have been blessed with many resources, but our human resource is the greatest by far.

And yet we have wasted much of that resource.

Blacks and Mexican-Americans and women have not been given the opportunity to participate fully in our society — and we are a poorer society as a result.

The State of the Future cannot afford such artificial barriers — or the loss of such talent and brainpower.

Our human resources must be developed to their fullest — and used to their maximum.

We will never be so rich that we can squander the talents of a single human being.

The third foundation for greatness is prudence.

No civilization has ever been able to afford everything it wanted.

We are no exception.

We must learn to live within our means.

We must learn to order our priorities.

We must decide what is important — and then do the important things well.

Failure to recognize this basic economic fact of life in other states has resulted in ineffective government and massive public debt for future generations to bear.

The fourth foundation for greatness is the protection of our environment.

Nearly twenty years ago, President Lyndon B. Johnson warned us that, "if future generations are to remember us more with gratitude than with sorrow, we must achieve more than just the miracles of technology.

We must also leave them a glimpse of the world as God really made it, not just as it looked when we got through with it."

The Texas that God made is a land of open, rolling hills,

— dense piney woods,

— warm, white sandy beaches,

— clear rivers and streams,

— and rich, fertile prairies.

In inhabiting such a land, we must never forget that we are God's caretakers.

If we are indifferent to that responsibility, our negligence will be a scar across this state for centuries to come.

The fifth foundation for greatness is a modern, efficient transportation system that will meet the needs of a burgeoning population and a vibrant commerce far into the future.

Thirty years ago, we built the finest highway system in the nation.

It has served Texas well.

If we modernize it and maintain it, it will continue to serve us well.

But the State of the Future will require more than the nation's finest highway system.

It will also require new innovative mass transit systems within our major cities.

We have 13 million motor vehicles in Texas today.

By the end of the decade, that number will have grown to 17 million.

Unless we begin now to provide some realistic alternatives, we will be heading straight into a massive traffic jam.

And the lives of millions of Texans who drive to and from work every day will become a waking nightmare.

The sixth foundation for greatness is equity for all of our citizens.

That means schools that are equal.

That means taxes that are reasonable.

That means interest rates, insurance rates and utility rates that are fair and justified.

I am firmly dedicated to the belief that the burdens of government must be borne equally by all of our citizens — and the services of government must be shared equally as well.

Texas has never known a privileged class — and I hope it never will.

The seventh foundation for greatness is a renewed spirit of cooperation among all the diverse elements of our state — particularly among business, labor and government.

If we are to achieve our full potential, we are going to have to achieve it together.

The world is far too competitive for us to waste our energies pursuing narrow interests and harboring old grudges.

We will always have points of disagreement, but they must never divert us from our common goals.

We must all recognize that a healthy business climate forms the basis of full employment, just as a prosperous labor force makes up the best consumer that business will ever know.

The eighth foundation for greatness is a society that has recaptured its streets and neighborhoods from the grip of crime.

Unless our citizens can live and work in an environment that is free of fear, achieving all our other goals will be an empty victory.

These, then, are the foundations upon which we must build the State of the Future:

- Education;
- Human resources;
- Prudence;
- Protecting our environment;
- Transportation;
- Equity;
- Cooperation; and
- Freedom from the fear of crime.

I hope and I pray that all of you — and Texans everywhere — will join us in our effort to lay those foundations.

They are not partisan foundations.

They are not dedicated to narrow self-interests.

They are foundations upon which we can all build our futures.

Under my administration, everyone will share in this government.

It will be a government for all Texans.

My philosophy of government is basic and uncomplicated. It asks two questions before any others:

Is it right?

Is it fair?

Unless a decision can pass those tests, there will be no decision.

And finally, when I leave this office, I hope it will be said that we did make a difference.

I hope it will be said that state government was more open, more responsive and more just than ever before.

I hope it will be said that we helped to guide Texas through a critical period of traumatic change, and at the same time preserved our heritage for generations to come.

With your help — and God's help — those goals can become our destiny. Thank you.

Governor White then presented his wife, Linda Gale; daughter, Elizabeth; and sons, Wells and Andrew.

Lieutenant Governor Hobby then presented his wife, Diana; daughters, Laura and Kate; and sons, Paul and Andrew.

The Speaker presented The Reverend Jeffrey Walker, Rector of Palmer Memorial Episcopal Church, Houston, who delivered the benediction.

Speaker Lewis presented Holly Warren Norman and expressed appreciation to her, pointing out that she had stood in the rain to interpret the entire proceedings of the inaugural ceremony for the benefit of the deaf.

The Speaker announced that The University of Texas at Austin band would play the State song, "Texas Our Texas".

On behalf of Governor White and Lieutenant Governor Hobby, Speaker Lewis invited all guests to attend the Inaugural Parade this afternoon and to visit the Governor's Mansion.

MEMORIAL RESOLUTIONS

S.R. 60 - By Doggett: Memorial resolution for Mrs. Gladys Shults.

S.R. 63 - By Doggett, Jones: Memorial resolution for Tom O'Donnell, Sr.

WELCOME RESOLUTION

S.R. 59 - By Jones: Extending welcome to Marcus Warren Watson.

ADJOURNMENT

At the conclusion of the State song, the President Pro Tempore, Senator Jones, announced that the purpose of the Joint Session had been accomplished and that the Senate at 12:33 o'clock p.m. would stand adjourned until 10:30 o'clock a.m. tomorrow, in accordance with a motion previously adopted by the Senate.

**In Memory
of**

Leo Riedel, Sr.

Senator Brooks offered the following resolution:

(Senate Resolution 58)

WHEREAS, Leo Riedel, Sr., who served as president of Oil, Chemical and Atomic Workers Local 4-449 for the past 20 years, died on September 21, 1982, at the age of 60, and his death has saddened the many friends who knew, admired, and worked with this distinguished La Marque citizen; and

WHEREAS, Mr. Riedel, who was a lifelong resident of Galveston County, was born in Galveston on January 16, 1922; and

WHEREAS, A patriotic veteran who served in the United States Marine Corps during World War II, he had been employed as a warehouseman with Amoco Oil Company in Texas City since 1945; and

WHEREAS, As a member of OCAW Local 4-449, this outstanding Texan served as steward with Amoco Oil Company and had been union president since 1962; he was elected vice-president of OCAW District No. 4 Council in 1967, and was subsequently named president of the council in 1970; and

WHEREAS, In addition to his numerous professional activities, Mr. Riedel was also actively involved with the Democratic Party; he served as precinct chairman of the party, was a member of the Texas Democratic Executive Committee for several years, and was a National Democratic Executive Committeeman from Texas in 1978 and 1980; and

WHEREAS, This admirable gentleman, who had lived in La Marque since 1953, was an enthusiastic contributor to the betterment of his community and was a faithful member of the First Baptist Church of La Marque; and

WHEREAS, He will be remembered by his many friends as a hard-working and well-respected individual; now, therefore, be it

RESOLVED, That the Senate of the 68th Legislature of the State of Texas pay tribute to the life of Leo Riedel, Sr., and extend deep sympathy to the members of his family: to his daughters, Karen Campbell of Brenham and Kathy Landrum of Bryan; to his son, Leo Alfred "Lee" Riedel, Jr., of New York; to his sister, Mrs. James Arnold of Houston; and to his three grandchildren; and, be it further

RESOLVED, That official copies of this resolution be prepared for the members of his family and that when the Texas Senate adjourns this day, it do so in memory of Mr. Riedel.

The resolution was read.

On motion of Senator Parker and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Brooks and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.

**In Memory
of
Clarence Sylvester Mallia**

Senator Brooks offered the following resolution:

(Senate Resolution 61)

WHEREAS, The community of Galveston was recently saddened by the death on November 20, 1982, at the age of 74, of Clarence Sylvester Mallia, president of Pelican Electric Company and a former member of the Galveston Housing Authority board; and

WHEREAS, Mr. Mallia, who was born in Galveston on December 20, 1907, and remained a lifelong resident there, was a retired maintenance electrician and a member of the International Brotherhood of Electrical Workers; and

WHEREAS, This prominent Texan made numerous contributions to his community through his outstanding energetic leadership and active involvement as a member of numerous boards and organizations; and

WHEREAS, One of the founders of the Galveston Boys Club, he served on the Galveston County Juvenile Board and the Galveston County Senior Citizens' Board, and worked on behalf of the Heart Association and the March of Dimes; and

WHEREAS, In addition to these time-consuming commitments, Mr. Mallia was also active in the county Democratic Party for 25 years and was a devout member of Sacred Heart Catholic Church; and

WHEREAS, This exceptional individual will be remembered for his many professional and civic achievements and will be missed by his many friends in Galveston and Galveston County; now, therefore, be it

RESOLVED, That the Senate of the 68th Legislature of the State of Texas pay tribute to the life of Clarence Sylvester Mallia and extend deep sympathy to the members of his family: to his wife, Ada B. Mallia; to his daughter, Doni Pursley of Texas City; to his sons, Clarence S. Mallia, Jr., and Gerald L. Mallia of Galveston; to his sister, Frances Rich of Alaska; to his brothers, I. J. Mallia of Alaska, Adrian Mallia of Corpus Christi, and Marion Mallia of Arcadia; and to his grandchildren; and, be it further

RESOLVED, That official copies of this resolution be prepared for the immediate members of the family and that when the Texas Senate adjourns this day, it do so in memory of Clarence Mallia.

The resolution was read.

On motion of Senator Traeger and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Brooks and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.